

REMARKS**Status of the Claims**

In the Official Action mailed April 3, 2007, claims 1-13 are pending. Claims 1-13 were rejected. The rejection is respectfully traversed. Claims 1, 3, 5, 7-8, and 10-13 have been amended. Claims 2, 4, and 9 have been canceled without prejudice or disclaimer. Applicants have thoroughly reviewed the outstanding Official Action including the Examiner's remarks and the references cited therein. Support for the amendments may be found throughout the specification and figures. No new matter is presented.

The following remarks are believed to be fully responsive to the Official Action. All the pending claims at issue are believed to be patentable over the cited references. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. § 112

Claims 1-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "at least three elements" has been amended to recite "at least three plates." Further, the phrase "elements moveable" has been amended to recite "plates, said plates being moveable." Lastly, the phrase "special alternation" has been amended to recite "wherein the plates alternate spatially." Lastly, the phrase "characterized in that" has been deleted throughout the claims.

Claim Rejections - 35. U.S.C. §102(b)**A. The '135 Patent**

Claims 1-8 and 10-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No.

3,350,135 to *Martens*, (hereinafter "the '135 Patent"). The '135 Patent does not teach or suggest, "at least three plates, said plates being movable with respect to each other and said plates being connected respectively to the support and to the moving part, wherein the plates alternate spatially," as recited in claim 1.

Rather, the '135 Patent is directed to automobile vehicle seats, wherein the back portion of the seat can be positioned and retained in various positions. The device includes axially extensible and retractable members having a nut and screw configuration such that there is a steep thread so that the force applied axially on the members causes rotation of the screw and permits adjustment of the members. The seat also includes a break for preventing rotation of the screw to retain the members in a desired position. However, the '135 Patent does not disclose, "plates, said plates being moveable with respect to each other and said plates being connected respectively to the support and to the moving part, wherein the plates alternate spatially," as recited in claim 1.

Since each and every element, as set forth in the claim, is not found, either expressly or inherently described as required by the M.P.E.P., the '135 Patent cannot be said to anticipate the recited claims. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 3, 5-8, and 10-13 depend from independent claim 1. Because claim 1 is believed to be in condition for allowance, claims 3, 5-8, and 10-13 are also believed to be in condition for allowance, at least by reason of their dependency. Accordingly, withdrawal of the rejection is respectfully requested.

B. The '411 Patent

Claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,356,411 to *Homier, et al.*, (hereinafter "the '411 Patent"). The '411 Patent does not teach or suggest, "at least three plates, said plates being movable with respect to each other and said plates being connected respectively to the support and to the moving part, wherein the plates alternate spatially," as recited in claim 1.

Rather, the '411 Patent is directed to a seat assembly with a seat back where the seat back can be moved between an upright position and a reclined position. The seat assembly includes a mechanism for controlling the movement of the seat back and includes an actuatable control for allowing relative movement between the seat back and the seat frame. The seat assembly also includes a release means to allow the seat back to be moved from a reclined position toward the upright position without manual actuation of the control. (See Abstract.) Like the '135 Patent, the '411 Patent also fails to disclose or teach the recited claims, and in particular, "at least three plates, said plates being moveable with respect to each other and said plates being connected respectively to the support and to the moving part, wherein the plates alternate spatially," as recited in claim 1.

Since each and every element, as set forth in the claim, is not found, either expressly or inherently described as required by the M.P.E.P., the '411 Patent cannot be said to anticipate, the recited claims. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 3, 5-8, and 10-13 depend from independent claim 1. Because claim 1 is believed to be in condition for allowance, claims 3, 5-8, and 10-13 are also believed to be in condition for allowance, at least by reason of their dependency.

Accordingly, withdrawal of the rejection is respectfully requested.

C. The '986 Patent

Claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,398,986 to *Homier et al.*, (hereinafter "the '986 Patent"). The '986 Patent also does not teach or suggest, "at least three plates, said plates being movable with respect to each other and said plates being connected respectively to the support and to the moving part, wherein the plates alternate spatially," as recited in claim 1. Rather, the '986 Patent also discloses a conventional positioning mechanism for positioning a seat back relative to the seat. There is no mention of, "at least three plates," as recited in claim 1.

Since each and every element, as set forth in the claim, is not found, either expressly or inherently described as required by the M.P.E.P., the '986 Patent cannot be said to anticipate, the recited claims. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 3, 5-8, and 10-13 depend from independent claim 1. Because claim 1 is believed to be in condition for allowance, claims 3, 5-8, and 10-13 are also believed to be in condition for allowance, at least by reason of their dependency. Accordingly, withdrawal of the rejection is respectfully requested.

D. The '492 Patent

Claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,424,492 to *Tabor*, (hereinafter "the '492 Patent"). The '492 Patent does not teach or suggest, "at least three plates, said plates being movable with respect to each other and said plates being connected

respectively to the support and to the moving part, wherein the plates alternate spatially," as recited in claim 1.

Rather, the '492 Patent discloses a releasable clamp that utilizes pressure. The pressure is applied by a spring pressed rotary cam bearing against a moveable plate, where the link can be adjusted in one direction but not in the other. A lever operated cam applies a load through the friction plates causing the extendable tension member to be locked relative to the tubular housing. The lever operated cam can be rotated from the normal locked position about a fulcrum pin thereby removing the force, causing a frictional lock allowing the tension member freedom of movement relative to the tubular housing. Thus, the '492 Patent also discloses a conventional seat adjuster.

Since each and every element, as set forth in the claim, is not found, either expressly or inherently described as required by the M.P.E.P., the '492 Patent cannot be said to anticipate, the recited claims. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 3, 5-8, and 10-13 depend from independent claim 1. Because claim 1 is believed to be in condition for allowance, claims 3, 5-8, and 10-13 are also believed to be in condition for allowance, at least by reason of their dependency. Accordingly, withdrawal of the rejection is respectfully requested.

E. The '999 Patent

Claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,280,999 to Jones, et al., (hereinafter "the '999 Patent"). The '999 Patent does not teach or suggest, "at least three plates, said plates being movable with respect to each other and said plates being connected respectively to the support and to the moving part, wherein the plates alternate spatially," as recited in claim 1.

Rather, the '999 Patent similarly describes a seat recliner having a lead screw mounted to a seat frame for rotation about its axis and a drive nut carried by the seat back frame moveable along the lead screw upon rotation of the screw. Thus, the '999 Patent also relates to a recliner mechanism for an automobile seat assembly and to a manually actuated recliner mechanism for locking the recliner mechanism in a given position. The seat back of the '999 Patent has a recliner arm extending downwardly from the seat back pivot point. A locking gear is used to prevent pivoting of the seat back. The locking mechanism is self-locking under loading.

Since each and every element, as set forth in the claim, is not found, either expressly or inherently described as required by the M.P.E.P., the '999 Patent cannot be said to anticipate, the recited claims. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 3, 5-8, and 10-13 depend from independent claim 1. Because claim 1 is believed to be in condition for allowance, claims 3, 5-8, and 10-13 are also believed to be in condition for allowance, at least by reason of their dependency. Accordingly, withdrawal of the rejection is respectfully requested.

CONCLUSION

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 3, 2007

Respectfully submitted,

By 

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